

Office of Water (OW) - Weekly Report

Section 1:

This week, the Administrator will sign the WIFIA loan for the re-execution of a direct loan to the District of Columbia Water and Sewer Authority to finance the Comprehensive Infrastructure Repair, Rehabilitation and Replacement Program in an amount of up to \$156.4 million. This project will create 1,022 jobs and save the community \$47 million from financing with a WIFIA loan. **(OW POC: Andrew Sawyers, 202-564-5668; Sawyers.Andrew@epa.gov)**

Commented [BK1]: An entry on 1441 denials will be included in the WH cabinet report, due to space issues on this weekly report.

Section 2: Nothing to report.

Section 3:

On September 9, EPA received a Petition for Emergency Action under the Safe Drinking Water Act to abate the imminent and substantial endangerment to Benton Harbor, Michigan and protect residents from lead contamination in drinking water. The 19 signatories are community groups, nonprofit corporations, and other organizations. Levels of lead contamination in Benton Harbor, an environmental justice community, have exceeded the lead action level set by the lead and copper rule since Fall 2018. **On September 13,** EPA HQ and Region 5 leadership discussed recent agency and state actions and agreed to reach out to the petitioners.

Last week, EPA announced its intent to reinstitute the process of making a Clean Water Act Section 404(c) determination to protect certain waters in Bristol Bay, Alaska. If such a determination is finalized, it would protect waters over the long term that are essential to commercial, subsistence, and recreational fisheries and other activities that support Alaska Natives and communities in the state. This action garnered widespread support from stakeholders (*United Tribes of Bristol Bay; Bristol Bay Economic Development Corp.; Bristol Bay Native Association; Trout Unlimited; Center for American Progress; National Wildlife Federation; Natural Resources Defense Council; Bristol Bay Native Corporation; National Parks Conservation Association; Sierra Club; Wild Salmon Center; League of Conservation Voters*), press ([\[HYPERLINK](#)

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DRAFT - Office of Water - Week of September 15, 2021

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DRAFT - Office of Water - Week of September 15, 2021

This week, EPA will announce selections for a new \$12 million grant program to provide training and technical assistance to small, rural, and tribal wastewater utility systems. This funding will help reduce pollution, protect water quality, and improve public health in communities across the country. The recipients for the 2020 Training and Technical Assistance Grant for Small Wastewater Utility Systems are the Rural Community Assistance Partnership, the National Rural Water Association, and the University of New Mexico/Environmental Finance Center Network, in the amount of \$4 million each.

This week, OW will rescind the previous Administration's guidance to implement the Supreme Court's *County of Maui* decision. The Supreme Court in *Maui* clarified that polluted discharges through groundwater that reach a "water of the United States" need an NPDES permit if they are the "functional equivalent" of a surface discharge. The Court identified seven factors to determine a "functional equivalent" discharge. The guidance provided a potential loophole, an eighth factor, for facilities to avoid getting a permit by claiming their treatment systems are not "designed" to discharge to surface waters. Facilities that may have "functionally equivalent" discharges include coal ash impoundments, mining operations, and lagoons at Concentrated Animal Feeding Operations.

Section 4:

This week, OW AA Radhika Fox will participate in an event celebrating a \$250 million WIFIA loan with the Springfield Water and Sewer Commission in Massachusetts to finance the Water and Wastewater Infrastructure Renewal Program. This WIFIA loan will help create 1,700 jobs. Co-funded with the State Revolving Fund, this project will benefit environmental justice communities and upgrade aging water infrastructure.